

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CHARLES DALE CONNOR,

Plaintiffs,

vs.

No. CIV-10-512 WJ/WDS

**ALEX RODRIGUEZ and STATE OF NEW
MEXICO DEPARTMENT OF PUBLIC SAFETY,**

Defendants.

ORDER

THIS MATTER comes before the Court on Defendants' Motion Regarding Plaintiff's Deposition (Doc. No. 31). Plaintiff is incarcerated in a correctional facility in Sterling, Colorado. Defendants seek an order requiring Plaintiff to attend a deposition here in New Mexico or in the alternative to require Plaintiff to pay for counsel to travel to Colorado for a video deposition. Plaintiff, alleging that he has no ability to pay for either alternative, opposes the motion and argues that Defendants, who have resources should be required to pay for the deposition. Plaintiff also suggests alternative methods of securing the testimony, such as Skype.

The Court finds that the efficient administration of justice in this case requires the use of alternative methods in the taking of the deposition which will hold down costs and allow Defendants to get the information they require. In the Court's opinion a deposition using Skype teleconferencing or its equivalent will be sufficient. Since Plaintiff has Colorado counsel and easier access to Plaintiff, Plaintiff will be required to set up the deposition at the correctional facility and otherwise facilitate matters in Colorado. Defendants will handle the court reporting aspects in New Mexico at a time and date workable for all parties.

IT IS THEREFORE ORDERED that Defendants' Motion Regarding Plaintiff's Deposition (Doc. No. 31) is granted in part and denied in part as set out above.



W. DANIEL SCHNEIDER
United States Magistrate Judge